GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Agriculture & Cooperation Department – ACB Cases - Sri V.Purna Sudhakara Rao, the then Assistant Director of Agriculture (R), Vijayawada – Trapped by ACB on 28.01.2013 - Subsequently retired as Asst. Director of Agriculture (R), Mylavaram, Krishna District – Charge sheet filed in C.C.No.23/2013 in the Court of Special Judge for ACB Cases – Initiation of departmental action, under A.P. Revised Pension Rules, 1980 instead of Prosecution in a Court of Law and entrusting the Case to the Commissioner of Inquiries – Orders- Issued.

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AGRICULTURE AND CO-OPERATION (VIG.I) DEPARTMENT

G.O.Rt.No.200 **Dated: 25/03/2022**

Read the following:

1. From the Deputy Superintendent of Police, Anti-Corruption Bureau, Vijayawada Range, Vijayawada, Krishna District, dt. 28.01.2013.
2. From the Deputy Superintendent of Police, Anti-Corruption Bureau, Vijayawada Range, Vijayawada, Krishna District, dt. 31.1.2013.
3. Proceedings Rc.No.Vig.I(4)43/2013, dt.04.02.2013 of the Commissioner & Director of Agriculture, A.P., Hyderabad.
4. From the Director General, Anti-Corruption Bureau, A.P., Hyderabad, Lr. RC.No.19/RCT-VKI/2013-S.9, dt.16.02.2013.
5. Govt. Memo. No. 1254/Vig.I-A1/2013-2, A & C (Vig.I) Dept., dt. 23.02.2013,
6. From the Commissioner & Director of Agriculture, A.P., Hyderabad, Lr.No. Vig.I(4)43/2013, Dt.23.04.2013
7. From the Director General, Anti-Corruption Bureau, A.P., Hyderabad, RC.No.19/RCT-VKI/2013-S.9 Dated:24.7.2013.
8. Representation dt. 03.07.2018 of Sri V.Purna Sudhakara Rao, the then Assistant Director of Agriculture (R), Vijayawada and subsequently retired as Assistant Director of Agriculture ® , Mylavaram, Krishna District.
9. Govt. Memo. No. 1254/Vig.I/2013, A & C (Vig.I) Dept., dt.14.08.2019
10. From the Director General, Anti-Corruption Bureau, A.P., Vijayawada, C.No. 19/RCT-VKI/2013, dated: 12.09.2019.

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O R D E R:

Whereas, in the reference 1st read above, the Deputy Superintendent of Police, Anti-Corruption Bureau, Vijayawada Range, has informed that Sri V. Purna Sudhakara Rao, the then Assistant Director of Agriculture (R), Vijayawada was trapped on 28.01.2013 by Anti-Corruption Bureau when he demanded and accepted illegal gratification of Rs.1,00,000/- as bribe from the Complainant Sri Thota Phani, Dy. Chief Manager/Senior Regional Manager, The FACT Ltd., Vijayawada for showing official favour and a case was also registered in Cr.No.04/RCT-ACB-VJA/2013 U/s. 7,13 (1) R/w. 13 (2) of Prevention of Corruption Act, 1988 and the Accused Officer was arrested at 21-00 hrs on 28.1.2013 and produced before the Hon'ble Special Judge for SPE & ACB, Vijayawada for judicial custody.

2. And whereas, in the reference 2nd read above, the Deputy Superintendent of Police, ACB, Vijayawada Range, has reported that the remand period has exceeded 48 hours by 16.20 hrs on 31.1.2013 and the Accused Officer is still under judicial remand and requested to place him under suspension w.e.f. 29-1-2013 from the date of remand to judicial custody under rule 8(2)(a) of A.P. Civil Services (CC&A) Rules, 1991.

3. And whereas, in the reference 3rd read above, the Commissioner & Director of Agriculture, A.P., Hyderabad, being competent authority, has placed Sri V.Purna Sudhakara Rao, the then Assistant Director of Agriculture (R), Vijayawada under suspension w.e.f. 29.1.2013, until the conclusion of the disciplinary proceedings under rule 8(1)© and (2)(a) of A.P. Civil Sservices (CC&A) Rules, 1991.

(P.T.O)

4. And whereas, in the reference 4th read above, the Director General, Anti-Corruption Bureau, A.P., Hyderabad has submitted preliminary report and requested to take necessary steps for filing Caveat through the GPs concerned with a view to restrain the Accused Officer from obtaining release orders from the A.P. Administrative Tribunal/ A.P. High Court without the issue being contested by the concerned Government Pleader.

5. And whereas, in the reference 5th read above, permission was accorded to the Commissioner & Director of Agriculture, A.P., Hyderabad, to file Caveat in APAT/APHC and in his reply, in the reference 6th read above, he has stated that the Govt. Pleader for Ser-I of Hon'ble High Court of A.P., Hyderabad, has informed that there is no need to file caveat, as no writ petition can be filed without notice to Government. Moreover, the individual cannot directly come to Hon'ble High Court.

6. And whereas, in the reference 7th read above, the Director General, Anti-Corruption Bureau, A.P., Hyderabad has submitted his final report and stated that, the allegation that the A.O had demanded and accepted the bribe amount of Rs.1,00,000/- from the complainant as illegal gratification other than legal remuneration for showing an official favour, i.e., for allowing the FACT Ltd., to sell MOP fertilizer at Rs. 876.75 ps. per bag as per the guidelines of the Department of Fertilizer & Chemicals instead of old MRP of Rs.630/- per 50 kgs bag, is substantiated and hence recommended for Prosecution of Sri V.Purna Sudhakara Rao, the then Assistant Director of Agriculture (R), Vijayawada in a court of Law for the Offence u/s.7 and 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988.

7. Further, the Director General, ACB, A.P., Hyderabad, has further stated that, Charge Sheet was filed against Sri V.Purna Sudhakara Rao, the then Assistant Director of Agriculture (R), Vijayawada as there is no need for sanction of prosecution by Government as he has retired from service on attaining the age of superannuation on 30-6-2013, while working as Assistant Director of Agriculture(R) , Mylavaram, Krishna District, without prejudice to the criminal case pending against him and filed Charge Sheet against him on 29.07.2013 before the Hon'ble Court of Special Judge for ACB Cases.

8. And whereas, in the reference 8th read above, Sri V.Purna Sudhakara Rao, the then Assistant Director of Agriculture (R), Vijayawada and subsequently retired as Assistant Director of Agriculture (R), Mylavaram, Krishna District has submitted a representation to the Government, with a request to issue orders for withdrawal of Prosecution and accordingly, in the reference 9th read above, the Director General, ACB, A.P., Vijayawada, was requested to examine the contents raised in the representation of the Charged Officer and to furnish his detailed remarks in the matter.

9. And whereas, in the reference 10th read above, the Director General, ACB, A.P., Vijayawada has submitted a report, stating that Charge sheet was filed against the Accused Officer on 29-07-2013 and at present, the case in C.C.No.23/2013 is pending for trial and as such, examining and offering remarks on the representation of the Accused Officer now does not serve any purpose at this stage as the matter is subjudice. The Accused Officer is at liberty to put forth his defense, if any, before the Special Judge for ACB Cases during the course of trial.

10. The Government, after careful examination of the matter, have decided to initiate departmental action, under A.P. Revised Pension Rules, 1980 against Sri V.Purna Sudhakara Rao, the then Assistant Director of Agriculture (R), Vijayawada and subsequently retired as Assistant Director of Agriculture (R), Mylavaram, Krishna District, instead of prosecution in the Court of the Special Judge for ACB Cases and also to entrust the case to the Commissioner of Inquiries for further action and order accordingly.

(Contd.p.3)

11. The Director General, Anti-Corruption Bureau, A.P., Vijayawada, shall take further necessary action for withdrawal of the Charge sheet filed against the Sri V.Purna Sudhakara Rao, the then Assistant Director of Agriculture (R), Vijayawada and subsequently retired as Assistant Director of Agriculture (R) , Mylavaram, Krishna District, on 29-07-2013 vide C.C.No.23/2013 in the Court of the Special Judge for ACB Cases and also furnish Draft Articles of Charge along with required material, in respect of the Accused Officer, to the Government, for further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

POONAM MALAKONDAIAH
CHIEF COMMISSIONER, RBKs &
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To:
The Director General, ACB, Pandit Nehru Bus Station,
NTR Administrative Block, 2nd Floor, A.P., Vijayawada.

Copy to:
The Commissioner of Agriculture, A.P., Guntur.
Sri V.Purna Sudhakara Rao, the then Assistant Director of Agriculture (R), Vijayawada and subsequently retired as Assistant Director of Agriculture (R) , Mylavaram, Krishna District.
(through the Commissioner of Agriculture, A.P., Guntur)
The A.P. Vigilance Commission, 5th Block, First Floor,
A.P. Secretariat, Velagapudi.
SF/SC

// FORWARDED BY ORDER//

SECTION OFFICER